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Mark Josephus Lucien Maria Van Dommelen

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12/12/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

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ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/873,564
Filing Date: June 04, 2001
Appellant(s): VAN DOMMELEN ET AL.

John C. Fox (Reg No. 24, 975)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/18/2005 appealing from the Office action mailed 11-15-2004

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

.(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The Board's Decision in Appellant's' prior appeal in this case, Application no. 09/873,564, Appeal No. 2004-0699, mailed March 15, 2004 may be considered related to this Appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5612585	VERSCHUEREN	3-1997
5723937	WHITMAN ET AL	3-1998
4315193	THORNTON	2-1982
5004948	KINCZEL ET AL	4-1991
5008583	CARLETON	4-1991

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Verschueren US Patent 5612285 in view of Whitman et al US Patent 5723937.

Regarding claim 1, Verschueren discloses a high pressure discharge lamp comprising:
a discharge vessel(elements 3, Fig 1). which is enveloped with clearance by an outer bulb (elements 1 Fig 1).provided with a lamp cap(elements 2, Fig 1). which outer bulb is translucent, characterized in that the outer bulb is substantially tubular in shape

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Verschuieren does not disclose that the outer bulb is provided with a light-scattering layer.

Whitman et al discloses a discharge lamp wherein the outer bulb is provided with a light-scattering layer (for example, see element 26, Figs 1(a) - 3, see column 1, line 45-column 7, line 25)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a light-scattering layer on the outer bulb as taught by Whitman et al in the discharge lamp assembly of Verschuieren for the purpose of diffusing the light source image inside the envelope and thereby providing a soft, decorative light effect (cited by Whitman et al column 2, lines 5-10).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Verschuieren US Patent 5612285 in view of Whitman et al US Patent 5723937 and further in view of Kinczel et al US Patent 5004948 and Thornton US Patent 4315193

Regarding claim 3, Verschuieren and Whitman et al disclose the instant claimed invention except forming an electrostatic coating by using a light scattering layer.

Both Thornton and Kinczel et al disclose electrostatic coating processes for light scattering layers (for example, see Thornton column 3, line 67- column 4, line 2, see Kinczel et al column 7, line 55 – column 8, line 16).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the electrostatic coating processes for the light

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scattering layer as taught by Thornton and Kinczel in the lamp assembly as taught by Verschueren and Whitman et al as such processes are old in the art (see Thornton, Kinczel et al)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verschueren US Patent 5612285 in view of Whitman et al US Patent 5723937 and further in view of Carleton US Patent 5008853

Regarding claim 4, Verschueren and Whitman et al disclose the instant claimed invention except characterized in that the outer bulb is internally provided with the light-scattering layer.

Carleton discloses a lamp characterized in that the outer bulb is internally provided with the light- scattering layer(for example, see column 1, lines 24-30).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the light scattering layer internally of the bulb as taught by Carleton in the lamp as taught by Verschueren and Whitman et al as such measures are well known in the art (see Carleton column 1, lines 24-30).

(10) Response to Argument

Regarding claim 1, the Appellant argues that there is no teaching or suggestion by Whitman of a high-pressure discharge lamp with an outer envelope, and the skilled artisan would not be led to apply teachings regarding lamps and structures of very different types to a high-pressure discharge lamp.

In response, the Office indicates that Whitman et al teaches that "the light source may either be an arc discharge or a filament" (column 1, lines 56-57), other lamps, lamp types, and lamp configurations can also be used with his invention (column 2, lines 56-58) and "the lamp may be surrounded by a light transparent or light transmissive shroud" (such as a glass or fused quartz shroud) surrounding the lamp and spaced apart from same and with light diffusing coating disposed on a surface of the shroud (column 2, lines 65- column 3, line 2). In view of this teaching, the desirability of applying light scattering is suggested to the skilled artisan for the purpose of providing a soft and decorative lighting effect and it would have been obvious in view of Whitman to add light scattering coatings to the outer bulb of Verscheuren.

Regarding claim 3, the Appellant argues that there is no mention in Kinczel et al of a light-scattering layer, or that the layer or layers of coating have light-scattering properties, as well as, there is no mention of an electrostatic coating process for a light-scattering layer.

In response, the Office contends that both Kinczel et al (column 7, line 63-68, and column 8, lines 14-16) and Thornton (column 3, line 60- column 4, line 2) teach

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electrostatic coating processes for coating layers and further are employed to sufficiently teach that such processes are old in the art and would have been contemplated by one skilled in the art.

Regarding claim 4, The Appellants argue that Carleton that providing a light scattering layer internally on an outer bulb has disadvantages. However Carleton teaches that the technique of providing a light scattering layer on the inside of an outer bulb is well known and practiced even though the optical behavior of the lamp may be of lower quality. Carleton is thus employed, along with his citing of Jacobs et al US Patent 4117370, to teach that the practice of providing a light scattering layer on an outer envelope is well known in the art for the purpose of diffusing the light source image and would have been contemplated to the skilled artisan (see Carleton column 1, lines 25-68).

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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Respectfully submitted,

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Examiner
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December 1, 2005

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